

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Richard S. Ginn et al.)
)
Serial No.:	10/682,459) Art Unit
) 3731
Filed:	10/08/2004)
)
Conf. No.:	1645)
)
For:	PLUNGER APPARATUS AND METHODS FOR)
	DELIVERING A CLOSURE DEVICE)
)
Examiner:	Glenn K. Dawson)
)
Customer No.:	057360)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Declarant, Fraser D. Roy, represents that he is the Attorney of Record for Integrated Vascular Systems, Inc., a corporation of the State of Delaware, having a principal place of business at 400 Saginaw Drive, Redwood City, California, 94063, and that he is authorized to make this Declaration and execute this Terminal Disclaimer on behalf of Vascular Systems, Inc. Declarant further represents that Vascular Systems, Inc. is the assignee of the entire interest of the above-identified application and U.S. Patent No. 6,749,621, as shown by the Assignments recorded at (i) reel 013085, frame 0183 and (ii) reel 017099, frame 0336, in the records of the U.S. Patent and Trademark Office (a copy of which is attached hereto as Exhibit A) and of co-

pending U.S. Patent Application Serial No. 10/786,444, which is a continuation of U.S. Patent No. 6,749,621 identified above. Declarant hereby further certifies that the evidentiary documents at Exhibit A have been reviewed by him, and to the best of the Declarant's knowledge and belief, title is in the Assignee seeking to take action.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,749,621 and U.S. Patent Application Serial No. 10/786,444 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,749,621 and U.S. Patent Application Serial No. 10/786,444, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend beyond the term of U.S. Patent No. 6,749,621 or U.S. Patent Application Serial No. 10/786,444 in the event that U.S. Patent No. 6,749,621 or U.S. Patent Application Serial No. 10/786,444 later: (a) expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (b) has all claims cancelled by a reexamination certificate; or (c) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Declarant further declares that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 15th day of December, 2006.

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EXHIBIT A



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Patent Assignment Abstract of Title

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